

1 THE COURT: So your father would know what your
2 real signature was. Wouldn't he?

3 THE WITNESS: Yes.

4 THE COURT: And would your mother?

5 THE WITNESS: Yes, sir.

6 THE COURT: And aside from the letter that you
7 sent, I forget what the date was. November 29, 19 --

8 MS. LANCASTER: November 27, 1997, I believe, Your
9 Honor.

10 THE COURT: Would you know of anything that your
11 Uncle Ron and Aunt Pat would have that would have your
12 signature on it?

13 THE WITNESS: I guess that and the transfer forms.
14 I don't know what else -- Unless a Christmas card or
15 birthday card or --

16 THE COURT: Do you sign your birthday cards or
17 Christmas cards Melissa or Melissa Sumpter?

18 THE WITNESS: Usually -- I guess usually just
19 Melissa.

20 THE COURT: The transfer form was signed a couple
21 of years after the application, is that right?

22 THE WITNESS: Yes.

23 THE COURT: So they wouldn't have had that.

24 THE WITNESS: That was in '98.

25 THE COURT: So they wouldn't have had that.

1 You're absolutely positive that you don't
2 remember --

3 THE WITNESS: I only signed that one that I
4 remember in the early '90s. I never went to their house and
5 signed anything at their house.

6 THE COURT: And you couldn't be mistaken? It's
7 okay to be mistaken.

8 THE WITNESS: I'm sure that I never signed
9 anything at their house.

10 THE COURT: Could you have signed something but
11 not at their house?

12 THE WITNESS: The only thing that I recall signing
13 for my aunt that she asked me to as a favor was in the early
14 '90s at my kitchen table when I was in high school. That's
15 the only thing that I remember signing for her that she
16 asked.

17 THE COURT: Okay.

18 BY MS. LANCASTER:

19 Q So you signed a document in the early '90s with
20 the name Melissa Sumpter?

21 A Yes, ma'am.

22 Q And you gave it to your Aunt Pat?

23 A Yes, ma'am.

24 Q Any cards or anything that you would have sent to
25 them, Christmas cards or birthday cards or whatever, did you

1 ever do an envelope with a return address on it?

2 A Usually.

3 Q Would you have written your name Melissa Sumpter
4 on part of the envelope as part of the return address?

5 A Probably.

6 Q Do you know how your name got on this document?

7 A I don't --

8 THE COURT: You need to define "this document"
9 because --

10 BY MS. LANCASTER:

11 Q This document being Exhibit 19, page 45.

12 A I don't know how it got there.

13 Q When was the first time that you saw -- I'm
14 sorry, Exhibit 19, page 216.

15 MS. LANCASTER: I apologize, Your Honor. It's
16 Exhibit 52, page 45. Wrong again. Exhibit 34, page 45;
17 Exhibit 19, page 216.

18 BY MS. LANCASTER:

19 Q When was the first time that you saw this
20 document?

21 A When my lawyer showed it to us.

22 Q What year was that, do you know?

23 A It was '99.

24 Q In 1999 did you still think you had a license in
25 your name?

1 A You mean when I saw this?

2 Q Yes.

3 MS. LANCASTER: I'll withdraw that question.

4 BY MS. LANCASTER:

5 Q I believe you stated earlier that you didn't know
6 anything about the license that was in your name until you
7 received the Net Wave petition in 1997. Do you recall
8 stating that?

9 A Yes, ma'am.

10 Q Is that true?

11 A That's true.

12 Q And you stated that about that same time you also
13 received a letter from the FCC, the 800A. Do you recall
14 saying that?

15 A I recall that.

16 Q So is that true, you got both of these about the
17 same time?

18 A Yes, ma'am.

19 Q Subsequent to that in 1998 you signed an
20 assignment assigning this station to DLB. Do you recall
21 doing that?

22 A Yes, ma'am.

23 Q So in 1999 did you think that there was any
24 station still in your name? When your lawyer showed you
25 Exhibit 19, page 216? I think it's actually 214 through 220

1 is the actual copy of the application.

2 A I guess I thought it was still in my name since
3 all this was still going on.

4 Q You thought it might still be in your name because
5 of all the hearing case and everything that was still going
6 on?

7 A Yes, ma'am.

8 Q Have you ever had anything to do, anything to do
9 with the license that was issued to you?

10 A No, ma'am.

11 Q Have you ever received any information from DLB or
12 anyone else regarding whether or not that station was
13 constructed?

14 A No, ma'am.

15 Q Do you know what that means, when I say the
16 station was constructed?

17 A I guess you mean built?

18 Q Do you know whether the station that's licensed in
19 your name, do you know whether it was built?

20 A I don't know.

21 Q When I ask these questions about your station, I'm
22 referring to station WPJS437, which is the call sign
23 assigned to your station, to the license that was issued in
24 your name on 10/2/96. Do you understand that, when I say
25 your station, that that's what I'm talking about?

1 A Yes, ma'am.

2 Q Did you ever have any conversations with your
3 Uncle Ron about applying for a station in 1995 or in 1996?

4 A No, ma'am.

5 Q Did you ever have any conversations with your
6 Uncle Ron after receiving the Net Wave petition?

7 A I never did, no.

8 MR. ROMNEY: I'm sorry. I can't hear that.

9 THE WITNESS: I never did. No.

10 MR. ROMNEY: Thank you.

11 BY MS. LANCASTER:

12 Q How about your Aunt Pat? Did you ever have any
13 conversations with your Aunt Pat in 1995 or 1996 about
14 applying for a license in your name?

15 A No, I did not.

16 Q After receipt of the Net Wave petition, which you
17 said told you that there was a license in your name, did you
18 have any conversations with your Aunt Pat about it then?

19 A No, I did not.

20 Q Has anyone ever told you that you owed any money
21 in connection with the licenses in your name?

22 A No.

23 Q Has anyone ever told you that you were going to be
24 paid any money in connection with the license that was in
25 your name?

1 A No, ma'am.

2 Q Has anyone ever told you that you'd ever receive
3 anything, money or not necessarily just money, but anything
4 in connection with the license that's in your name?

5 A No, ma'am.

6 Q Have you ever had for your use a radio supplied by
7 DLB?

8 A In my sister's car.

9 Q Do you know when she had that radio?

10 A I think it was installed in '89 when she started
11 college.

12 Q Do you know how long she had it in her car?

13 A I think it was removed in '92, sometime that year.

14 Q Did you ever use that radio?

15 A In emergencies.

16 Q Did you use it when you were driving her car?

17 A I didn't get my license until I was 18, in '93.

18 Q So the car radio had been removed from her car
19 prior to you ever having a driver's license?

20 A I'm sorry?

21 Q The car radio had been removed from your sister's
22 car prior to you ever getting your driver's license?

23 A Yes, ma'am.

24 Q Did you ever have a radio in your car?

25 A No, I did not.

1 Q Has your mother ever had a radio in her car?

2 A No, ma'am.

3 Q How about your dad? Has there ever been a radio
4 in his car?

5 A No, ma'am.

6 Q Have you ever had a radio at home?

7 A No, ma'am.

8 Q Have there been any other radios supplied to you
9 or any member of your family by DLB other than the radio
10 that was removed from your sister's car in 1992?

11 A No, ma'am.

12 Q As far as you know was there any money due to DLB
13 for the use of the radio that had been in your sister's car?
14 Do you have any knowledge of that?

15 A I don't have any knowledge of that.

16 THE COURT: When we're talking about radios, and
17 we had a whole bunch of questions about radios and what was
18 in what car and what wasn't in other cars, what was your
19 understanding of Ms. Lancaster's use of the term radio?

20 THE WITNESS: I understood that it was like a two
21 way radio. It looked like a phone, but supposedly it was a
22 radio.

23 THE COURT: And that's the context in which you
24 answered all of Ms. Lancaster's questions?

25 THE WITNESS: Yes, sir.

1 BY MS. LANCASTER:

2 Q And it was your understanding that that radio had
3 been supplied by DLB?

4 A Yes, ma'am.

5 Q Do you know any of the circumstances surrounding
6 how it was, or why it was put in your sister's car?

7 A I think my dad wanted it put in there since she
8 started driving to Arlington every day.

9 Q Is that all, that's the full extent of your
10 knowledge about that radio?

11 A That's the full extent of my knowledge.

12 Q Do you know if your station -- I may have asked
13 this, but I don't recall. Do you know if your station, the
14 station license in your name, is being operated right now?

15 A I don't know.

16 Q Did you ever direct DLB to turn that station off?

17 A No, I never did.

18 Q Did you tell your mother to do that?

19 A No, I did not.

20 Q How about your dad?

21 A No.

22 Q Has anyone told you that you have unlimited access
23 to -- strike that.

24 Do you know where your station is located or was
25 located?

1 A No.

2 Q Has anyone ever told you that you have full access
3 to go wherever that station's located?

4 A No.

5 Q Do you know anything about the station at all?

6 A No, ma'am.

7 Q And you've never received any monies or the use of
8 any radios as a result of having a license in your name?

9 A No, ma'am.

10 Q Were you ever promised anything if you would sign
11 that license over to DLB?

12 A No, ma'am.

13 Q Anybody promise you any payments or use of a radio
14 or anything for doing that?

15 A No, ma'am.

16 Q Why did you sign that license over to DLB?

17 A Because I wanted my name off of it.

18 MS. LANCASTER: One second, Your Honor.

19 (Pause)

20 BY MS. LANCASTER:

21 Q Go back to Exhibit 53 for one moment, please.

22 (Pause)

23 Q Have you found it?

24 A Yes, ma'am.

25 Q I'd like for you to quickly read the first

1 paragraph of Exhibit 53.

2 THE COURT: Out loud or to herself?

3 MS. LANCASTER: She can read it to herself.

4 MR. ROMNEY: Which paragraph?

5 MS. LANCASTER: The first paragraph.

6 (Pause)

7 THE WITNESS: Okay.

8 BY MS. LANCASTER:

9 Q The second sentence says, "I know that you had
10 used my name, but I understood that if a channel was awarded
11 then you would immediately transfer it to your name."

12 In writing that sentence, did you mean that you
13 knew they were applying for a license in your name back in
14 1995 or 1996?

15 A No, ma'am. I meant when I signed in the early
16 '90s.

17 Q You thought --

18 MR. PEDIGO: Excuse me. I couldn't understand
19 that last part.

20 THE COURT: Could you repeat it please?

21 THE WITNESS: I meant when I signed for my aunt in
22 the early '90s. That's what I was referring to, that they
23 had used, I was aware that they used my name. I was aware
24 in the early '90s that they used my name. I remember
25 signing that document.

1 BY MS. LANCASTER:

2 Q You don't really know that they used your name in
3 the early '90s, though, do you?

4 A No. But why would she have me sign if she isn't
5 going to use it?

6 Q You just recall signing something?

7 A I just recall signing something.

8 Q But because you had signed something in the early
9 '90s you thought that they had used your name. Is that
10 correct?

11 A Yes, ma'am.

12 Q So when you wrote this sentence in this letter,
13 you were not talking about your current license. The
14 station that's licensed to you now, am I correct?

15 A Yes.

16 Q Ms. Sumpter, do you know anything about an
17 expansion by DLB into the Allen area? Allen, Texas area?

18 A No, ma'am.

19 Q Did you have any discussions with anyone at that
20 time, back in 1995 and 1996, concerning what frequencies
21 were used by DLB or what frequencies they wanted to obtain?

22 A No, ma'am.

23 Q If you would turn to Exhibit 19, which is the
24 other notebook, page -- Go right to the front. Page four.

25 (Pause)

1 Q Actually, the last sentence of page three is what
2 I'm going to specifically ask you about.

3 THE COURT: This is 19?

4 MS. LANCASTER: Yes, sir.

5 THE COURT: And we're talking about the Bates
6 numbered pages?

7 MS. LANCASTER: Yes, sir.

8 BY MS. LANCASTER:

9 Q The last half of the last sentence on page three
10 says the person must have been willing to fulfill the duties
11 of a Commission licensee.

12 Were you willing to fulfill the duties of a
13 Commission licensee back in 1996?

14 MR. McVEIGH: I'm going to object to that. Lacks
15 foundation. We have not established the witness knows what
16 the requirements of a Commission licensee are.

17 THE COURT: Ask.

18 BY MS. LANCASTER:

19 Q Do you know what the requirements of a Commission
20 licensee are?

21 A No, I do not.

22 Q Did you know in 1995 or 1996?

23 A No.

24 Q Have you just forgotten?

25 A No.

1 Q Were you willing to fulfill any requirements, any
2 duties that would be required of a licensee back in 1996?
3 Without knowing what they are?

4 A No. I mean --

5 Q Were you willing to participate in funding of
6 construction facilities for a station in 1996?

7 A No, ma'am.

8 Q Were you willing to pay out any money out of your
9 own pocket to obtain a license in 1996?

10 A I didn't have any money. I was in college.

11 THE COURT: So is that a no?

12 THE WITNESS: That's a no.

13 BY MS. LANCASTER:

14 Q Were you willing to take any financial risk to
15 obtain a license in 1996?

16 A No, ma'am.

17 THE COURT: Did anyone ask you if you were willing
18 to fund the construction of an FCC station in 1996 or 1995?

19 THE WITNESS: No.

20 THE COURT: Did anyone ask you whether you were
21 willing to take the risk involved in funding or operating a
22 station in 1995 or 1996?

23 THE WITNESS: No, sir.

24 BY MS. LANCASTER:

25 Q Did anyone tell you that you had any control over

1 the operation of a station in your name?

2 A No, ma'am.

3 Q Did anyone tell you that you had any input
4 regarding policy decisions including preparing and filing
5 applications with the Commission regarding a station in your
6 name?

7 A No, ma'am.

8 Q Did anyone tell you that you had any input or
9 consideration regarding the employment or supervision or
10 dismissal of personnel who operated the station in your
11 name?

12 A No, ma'am.

13 Q Did anyone tell you you were going to receive
14 anything if you got a license in your name?

15 A No, ma'am.

16 MS. LANCASTER: I pass the witness, Your Honor.

17 THE COURT: Mr. Romney?

18 MR. ROMNEY: Do you want me to start now?

19 THE COURT: Do you want to take a break?

20 MR. ROMNEY: I don't know what your intentions are
21 as far as concluding for the day.

22 THE COURT: I'd like to conclude with this witness
23 and then we'll quit for the day. I don't see much point in
24 keeping her overnight.

25 MR. ROMNEY: Okay.

1 THE COURT: But if you want to take a break, we'll
2 be happy to take a break.

3 MR. ROMNEY: No, I'm fine. I'm ready to go.

4 THE COURT: Let me ask the witness. Do you want
5 to take a break?

6 THE WITNESS: No, I'm okay.

7 THE COURT: Mr. McVeigh, do you want to take a
8 break?

9 MR. McVEIGH: No.

10 THE COURT: Okay. We won't take a break.

11 CROSS-EXAMINATION

12 BY MR. ROMNEY:

13 Q Ms., it's Ellington is it now? Mrs. Ellington?

14 A Yes, sir.

15 Q Mrs. Ellington, you were born in 1973?

16 A Yes, sir.

17 Q How old were you when you graduated high school?

18 A I think I was 19, 18 or 19.

19 Q Were you almost 19-1/2?

20 A Yeah.

21 Q What year did you graduate high school?

22 A '93.

23 Q So you were 19 going on 20?

24 A I was about to turn 20. In November. I was held
25 back a year in school.

1 Q This early license that you recall, do you
2 remember what year that was?

3 A I don't remember the exact year.

4 Q Can you give us your best estimate, please?

5 A Between '90 and '93.

6 Q How old were you when you signed this license
7 application that you recall?

8 A I would have to be what, either 17, 18, or 19.

9 Q So it could have been in either '90, '91, '92 or
10 '93?

11 A Yes, sir.

12 Q Have you seen that license in any of this
13 litigation?

14 A No, sir.

15 Q Have you asked your attorney to find a copy of
16 that license?

17 A No, sir.

18 Q Have you asked any of the FCC attorneys whether
19 they have a copy of that previous license?

20 A No, sir.

21 Q Are you curious to know whether you even really
22 had an earlier license?

23 A Not really.

24 Q You just don't care one way or the other?

25 A Well, apparently it never went through so --

1 Q Why do you say that, ma'am?

2 A Because that's what you told me in the deposition.

3 That I --

4 Q I'm not your attorney am I, ma'am?

5 A No.

6 Q Do you have any knowledge one way or the other
7 whether there was ever an earlier license applied for to the
8 FCC?

9 A I don't know if there was one ever applied for,
10 but I remember signing it when I was in high school.

11 Q Tell us when you think you signed this. Do you
12 remember what month it was?

13 A I couldn't tell you what month. I couldn't even
14 tell you what year.

15 Q Can you tell us any events around that date that
16 trigger anything in your mind?

17 A The only thing I remember is that my Aunt Patsy
18 came over and asked me to sign something and it was a family
19 favor to her, and I signed it for her.

20 Q When you got the Net Wave petition, Exhibit No. 1,
21 if you need to take a look at it -- Do you recall getting
22 that document?

23 A I recall it being there when I got home from
24 school.

25 Q Did you hear about that before you got home from

1 school? Did your mom and dad tell you about it?

2 A I can't recall if I heard about it or not. I was
3 in school and studying for tests and stuff, so I don't
4 recall whether they told me about it or not. They might
5 have. I don't know.

6 Q When you got that Net Wave petition, you were at
7 your house, is that right?

8 A When I got home from school, yes.

9 Q And that's the first time you saw the document,
10 was at your house?

11 A That was the first time, yeah.

12 Q Was that a startling event to you? Was that
13 something that you recall, you can see that in your mind?

14 A No.

15 Q It didn't mean anything to you?

16 A I mean I don't remember it being a startling
17 event.

18 Q What were you told about that Net Wave petition by
19 either your mother or your father or your sister Jennifer
20 right after you saw it for the first time?

21 A I just knew that we had been named with my uncle.

22 Q Did you discuss that petition with your mother?

23 A I don't think with my mother, no.

24 Q Did you discuss the Net Wave petition with your
25 father?

1 A I might have discussed it with my father.

2 Q Tell the Court everything you remember about that
3 conversation with your father.

4 A I just remember talking about it listing us as
5 parties and making us sound like crooks. That's all I
6 remember.

7 Q When you read the petition, did you understand it?

8 A Not all of it, no.

9 Q Had you ever seen any sort of a legal document
10 like that before?

11 A No, I hadn't.

12 Q Did your father tell you what the document meant?

13 A No. I mean we talked about it, like I said, but
14 -- He might have explained parts to me that I might have
15 asked him, but.

16 Q Please tell us what you understood immediately
17 after talking to your father about that Net Wave petition.

18 A I just did.

19 Q Is that the best you recall as you sit here today?

20 A That's all that I recall.

21 Q When you talked with your father, did he make a
22 statement as to whether or not he had had any conversations
23 with Ron Brasher about the contents of that Net Wave
24 petition?

25 A I don't recall him talking to me about having any

1 conversation.

2 Q Did you ask your father what you needed to do to
3 respond or to do anything in response to that Net Wave
4 petition?

5 A No, I didn't.

6 Q Did your father indicate to you that he had hired
7 counsel to assist the family?

8 A We hadn't hired counsel at that point.

9 Q Did your father mention anything about hiring an
10 attorney to assist the family?

11 A Not at that point. Not when we first got the
12 petition.

13 Q Did your father mention anything about responding
14 in any way to that petition, that Net Wave petition?

15 A Not at that point, no.

16 Q Did your father make any reference to you, ma'am,
17 about using Uncle Ron's attorneys to respond to that
18 document?

19 A No, he did not.

20 Q When you saw that Net Wave petition, on that very
21 day, did you have a recollection at that time of the areolar
22 FCC license that you had applied for?

23 A No.

24 Q So the day you got the Net Wave petition, you
25 didn't remember that years before you had signed an FCC

1 license, did you?

2 A I don't know if I recalled signing it right when I
3 saw that petition or not.

4 Q Well isn't it a fact, ma'am, that you did not have
5 recall of signing that particular, strike that.

6 Isn't it a fact that at the time you saw the FCC
7 Net Wave petition, Exhibit 1 to this proceeding, you did not
8 have a recall then of having signed an FCC license back in
9 the early '90s, did you?

10 MS. LANCASTER: Objection, Your Honor. Asked and
11 answered. She's already said she doesn't recall.

12 THE COURT: Well --

13 MR. ROMNEY: I don't know what "doesn't recall"
14 means.

15 MS. LANCASTER: She just said she doesn't recall
16 whether she remembered it at the time that she received the
17 Net Wave petition or not. He's asked the same question
18 three times.

19 THE COURT: I don't think he's gotten a full
20 answer.

21 MR. ROMNEY: Thank you, Your Honor.

22 THE COURT: This is Cross-Examination. He's
23 entitled to much leeway.

24 Why don't you repeat the question, please.

25 BY MR. ROMNEY:

1 Q On the day you got the Net Wave petition, the
2 first time you saw it, physically held it in your hands and
3 gazed your eyes upon it, you did not recall at that point
4 ever having signed the FCC license back in the early '90s.

5 A I didn't make a connection with what I was looking
6 at as to what I signed for my Aunt Patsy in the early '90s,
7 but I specifically remember signing in the early '90s when I
8 was in high school, something for my Aunt Patsy about a
9 license, but I didn't make the connection with that when I
10 first saw the order to show cause.

11 Q Ma'am, isn't it a fact that the first time you
12 recalled signing any petition in the early '90s, an
13 application in the early '90s, was when your mother told you
14 that you had signed one in the early '90s?

15 A No, sir. That's not true.

16 Q Isn't it a fact, ma'am, that the first time you
17 recalled signing an application for the FCC in the early
18 '90s, as compared to 1996, was when your father told you
19 that you signed one in the early '90s and not 1996?

20 A No, sir.

21 Q In preparation for your deposition you and your
22 family spent more than four hours together going over
23 documents, is that not right?

24 A I don't know how long we spent.

25 Q You spent at least three to four hours, is that

1 correct?

2 A I would guess so, yes.

3 Q And you went over everybody's documents and you
4 talked about what everybody remembered, is that right?

5 A Yes. Trying to find the truth. We --

6 Q And everybody stated what --

7 MS. LANCASTER: Your Honor, I object. I would ask
8 that she be allowed to finish her answer.

9 THE COURT: Would you please finish your answer?

10 THE WITNESS: We were just trying to remember the
11 truth and all the events that might have surrounded us at
12 that time so that we were remembering everything correctly.

13 BY MS. LANCASTER:

14 Q And ma'am, that was a group recollection, wasn't
15 it? Not individual recollections. That was all the family
16 remembering things together. Is that right?

17 A Well, you individually told things that you could
18 remember.

19 Q And isn't it a fact that that's the first time
20 that you recalled having signed a document back in the early
21 '90s?

22 A That was not the first time I recalled signing a
23 document. I can remember that.

24 Q Since the time you've been in Washington, D.C.,
25 ma'am, you've had an opportunity to meet for several hours

1 over several different days with your family and go over the
2 documents again, is that correct?

3 A Yes.

4 Q And that's been your dad, your mom, Jennifer and
5 yourself. Right?

6 A My sister left on Friday.

7 Q Before Jennifer left, the four of you all got
8 together and went over the documents. Is that right?

9 A I don't remember if we -- I guess we probably did
10 in our rooms. I mean we were all with adjoining rooms.

11 Q You went over them together?

12 A I don't remember going over all of our documents
13 together. I remember being all together and we were
14 individually looking at our own depositions. I don't
15 remember looking at my dad's or my sister's or my mom's this
16 trip. I just looked over mine.

17 Q You looked over your deposition?

18 A And my declaration.

19 Q Did you have a chance to look over the other
20 declarations, the joint declarations that have been filed by
21 your attorney?

22 A I looked over that.

23 Q And that joint declaration was filed on behalf of
24 all of you, is that right?

25 A That's right.

1 Q And it had a copy of all the declarations of
2 everybody, right?

3 A Yes.

4 Q And you reviewed that before you came today?

5 A Yes, I looked over that.

6 Q Since the time Jennifer left you've had another
7 opportunity to look over that joint declaration?

8 A I didn't, but I could have I guess.

9 Q You did not look at it since Jennifer left?

10 A I didn't look at it since Jennifer left.

11 Q Did you have any other discussions with your
12 parents about what was in those joint declarations from the
13 time Jennifer left?

14 A My parents have talked between themselves, and
15 I've been in there, but --

16 Q And they've talked about what's in those documents
17 and in their declarations?

18 A Yes. I mean I've heard them talk about things.

19 Q Would you take a look, please, at Exhibit No. 49,
20 page three.

21 (Pause)

22 Q Do you have that, ma'am?

23 A Yes, sir.

24 Q You testified that is not your signature?

25 A That is not my signature.